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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,345	03/09/2004	Sridhar Krishnamoorthy	END920030147US1 (17238)	1976
23389 7590 06/11/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
EXAMINER BROOKS, MATTHEW L.				
ART UNIT 3629		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/796,345

Applicant(s)

KRISHNAMOORTHY, SRIDHAR

Examiner

Matthew L. Brooks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-18** are rejected under 35 U.S.C. 102(b) as being disclosed by Non-Patent Literature: Web-site www.shopcollins.com as seen on the "Way back Machine" with an archive date of February 2, 2003; a print out of which is herein attached and shall be referred to as "**Collins**".

3. With respect to **Claim 1**: Collins discloses
creating a database containing a complete set of after sales service data, including a plurality of equipment service data elements; (See Page 1, fn 1, 2, 5, 6, 7). Inherently, Collins must have created a database in order for a "user" to "obtain catalog data for Rockwell" or "Obtain pricing information for Service Parts, Training, and Technical Publications" (see fn 5) as to the additional "after sales" data Applicant is advised to look to fn 6 wherein Registered Users can obtain order and shipping status, thus after the sale because is being shipped.

providing an access point for a user to access the database; (Inherently, Collins provided an access point, because it was on the world wide web (See Pages 1-3))

verifying that the user is authorized to access the database (See Page 1, fn 4, 6 and 9; and Page 3, fn 10); and

providing the user with interactive, collaborative access to said manufacturer and to the database over the Internet, in a secure manner if the user is authorized to access the database (See Page 1, fn 4, 6 and 9; and Page 3, fn 10), whereby said access provides the user with a virtual office to enter a variety of transactions using data elements in the database (See Page 1, fn 6 wherein Examiner considers a "virtual office" to be a place on the web that allows a user to do work; transactions include "order service parts" and "Purchase selected Technical Publications").

4. With respect to **Claim 2**: Collins discloses

wherein the plurality of equipment service data elements comprise data elements regarding at least one of: sales, customer history, equipment history, warranties, service calls, preventive maintenance, repairs, spare parts, accounts receivable, and accounts payable. (See Pages 1 and 3, fn's 1-10) Collins shows that users can "Obtain order and shipping status for any orders placed..." therefore inherently it must keep a customer history.

5. With respect to **Claim 3**: Collins discloses

wherein the user comprises at least one of: a customer, a potential customer, and a franchisee (See Page 1).

6. With respect to **Claim 4**: Collins discloses

wherein the access point is an Internet web site (See Pages 1-3, which was retrieved from the web).

7. With respect to **Claim 5**: Collins discloses

wherein the database is created by said manufacturer, said manufacturer manufacturers a product, and wherein the user is a service provider authorized by the manufacturer to service the product (See Pages 1-3, which are a print out of a web page created by the manufacturer of a product). Examiner also points to **Page 1, fn 8**; wherein Rockwell Collins explicitly authorizes a service provider to service the products and inherently the service provider must be a user.

8. With respect to **Claim 6**: Collins discloses

wherein the service data elements relate to at least one of: selling maintenance contracts, call management, franchisee management, spare parts sales, warranty management, and knowledge management (See Page 1, fn's 5-8). Examiner considers service parts to be spares and knowledge management to be anything dealing with knowledge of said customer.

9. With respect to **Claims 7 and 13**: Collins discloses

creating a database containing a complete set of after sales service data over the internet from a manufacturer, including a plurality of equipment service data elements; (See Page 1, fn 1, 2, 5, 6, 7). Inherently, Collins must have a database in order for a "user" to "obtain catalog data for Rockwell" or "Obtain pricing information for Service Parts, Training, and Technical Publications" (see fn 5) as to the additional "after sales"

data Applicant is advised to look to fn 6 wherein Registered Users can obtain order and shipping status, thus after the sale because is being shipped.

providing an access point for a user to access the database over the internet;
Inherently, Collins provided an access point, because it was on the world wide web
(See Pages 1-3)

verifying that the user is authorized to access the database (See Page 1, fn 4, 6 and 9; and Page 3, fn 10); and

providing the user with interactive, collaborative access to said manufacturer and to the database over the Internet, in a secure manner if the user is authorized to access the database (See Page 1, fn 4, 6 and 9; and Page 3, fn 10), whereby said access provides the user with a virtual office to enter a variety of transactions using data elements in the database_(See Page 1, fn 6 wherein Examiner considers a “virtual office” to be a place on the web that allows a user to do work; transactions include “order service parts” and “Purchase selected Technical Publications”)..

10. With respect to **Claims 8 and 14**: Collins discloses

wherein the plurality of equipment service data elements comprise data elements regarding at least one of: sales, customer history, equipment history, warranties, service calls, preventive maintenance, repairs, spare parts, accounts receivable, and accounts payable. (See Pages 1 and 3, fn’s 1-10) Collins shows that users can “Obtain order and shipping status for any orders placed...” therefore inherently it must keep a customer history. However, Applicant should note that this is non-functional descriptive data and the terminology used in Applicant’s claim is not afforded much weight.

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11. With respect to **Claims 9 and 15**: Collins discloses

wherein the user comprises at least one of: a customer, a potential customer, and a franchisee (See Page 1). Applicant should note that although Collins does disclose that the user is at least a customer or potential customer, it is irrelevant because the terms are simply a matter of terminology.

12. With respect to **Claims 10 and 16**: Collins discloses

wherein the access point is an Internet web site (See Pages 1-3, which was retrieved from the web).

13. With respect to **Claims 11 and 17**: Collins discloses

wherein the database is created by a manufacturer of a product, and wherein the user is a service provider authorized by the manufacturer to service the product (See Pages 1-3, which are a print out of a web page created by the manufacturer of a product). Examiner also points to **Page 1, fn 8**; wherein Rockwell Collins explicitly authorizes a service provider to service the products and inherently the service provider must be a user. Applicant should note that although Collins does disclose that the user is a service provider, it is irrelevant because the terms are simply a matter of terminology.

14. With respect to **Claims 12 and 18** Collins discloses

wherein the service data elements relate to at least one of: selling maintenance contracts, call management, franchisee management, spare parts sales, warranty management, and knowledge management (See Page 1, fn's 5-8). Examiner considers service parts to be spares and knowledge management to be anything dealing with knowledge of said customer. However, Applicant should note that this is just data and the terms given to the data is simply non-functional descriptive matter.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. **Claims 1-21 are** rejected under 35 U.S.C. 103(a) as being unpatentable over "Collins" in view of Official Notice.

Collins shows all of the limitations as described in claim 1 and also shows that the website is a "database and communications resource which is intended to improve the operational reliability of their products" (See page 3, fn 10). Because this is a database in which secure access is required, whomever has access and site is accessed allows the information to flow. Collins shows numbers to call for service calls (fn 7) and inherently their own employees have access to this database and anyone who is given the password would allow the field information collected to pass on to any user (OEM or otherwise).

Collins does not show, per se, whom the exact users would be that would have access to the information collected on the web site and the database thereof.

However, in view of Official Notice that it is old and well known to allow service departments, design departments and quality departments access to information obtained from the field so the data may be used to better design and improve products

quality and increase customer satisfaction. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collins to allow the design department and quality departments or any other department some type of access to information obtained on the field in order to effectively use the information to improve products and services.

18. With respect to all the claims 1-19 and newly added **Claims 20 and 21** they are rejected under 35 U.S.C. 103(a) as being unpatentable over "Collins" in view of "Imaging Portals announces a strategic partnership with NetSilicon for development of ImageTrak 500n Device-to-Business (d2B) solution"; February 6th, 2002; Lester Anderson (Imaging Portals).

Collins teaches all of the steps claimed as shown above with the exception of the creating step including the step of providing an Internet Enabled Equipment and Appliance feature triggered by a repair event to offer predictive and need based repair service, and to study equipment usage and failure patterns; (emphasis added). Imaging Portals teaches the use of a Internet/network appliance that monitors and manages operating conditions, usage patterns and communicating data to authorized parties including service dealers and OEMs and end users (pg 1, A). Image Portals also feeds the information back after transaction is complete to underlying system (pg 1, B). Further and maybe most importantly Imaging portal offers predictive and need base repair service by allowing a party to identify specifically what maintenance is required and when a service call should be scheduled *in advance* of equipment failure (pg 2, C). All of the above is easily incorporated into manufactures products (pg 1, C). The

business practice of offering such technological solutions at the time of filing was an old and well-established business practice. This practice is designed to build connectivity into electronic products (pg 2, D). It improves customer relations and helps to generate return business. It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method of providing an Internet Enabled Equipment and Appliance feature triggered by a repair event to offer predictive and need based repair service, and to study equipment usage and failure patterns; in the Collins reference as shown by Imaging Portals build customer loyalty, increase revenue and better manage their deployed products.

Response to Arguments

19. In response to the REMARKS submitted 1/22/2008. The applicant has not argued anything and has merely alleged that Collins does not show features.
20. In reply to: pg 11, top of page Collins certainly shows the flow of information from a database between service provider and an equipment manufacturer.
21. In reply to: middle of page 11, the incidental things that Applicant says his invention does is not even claimed. Even if it was these are broad descriptive terms that may be applied to any system used in the art that helps carry out day to day operations of businesses.

22. In reply to: page 12, the references also describe a comprehensive and "complete solution" for connected products in the same amount of detail that Applicant claims and for that matter the specification discloses (Portals pg 3, lines 16-17).

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Pub. No.: US 2002/0016655 A1 (Joao) Which shows a service provider [0018] hosted website [0026] which requires authorized access [0027] and a vast array of services [0028] with a comprehensive data base of the offered product [0029] and an array of training [0030] with the ability to diagnose the problem [0033] and the customer histories including repairs [0034] with the possibility of obtaining data directly from the product.

B. Patent Number 6,003,078 (Kodimer et al).

C. EP 0 822 473 A2 30.07.1997 (Ogushi)

D. "How the Internet Works"; Relevant portions attached herein.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLB
6/2/2008

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629